

REMARKS/ARGUMENTS

This Amendment is in response to the outstanding final Official Action mailed April 16, 2003, to which a Notice of Appeal was filed by Applicant on October 10, 2002. A response to the Appeal is due by May 15, 2003, along with a Five-Month Extension Petition which is enclosed herewith. In view of the above amendments and within remarks, reconsideration of the Examiner's rejection is respectfully requested.

The Examiner has objected to the drawings under 37 C.F.R. § 1.83(a) as not disclosing every feature of the invention as specified in the claims. Specifically, the Examiner states that the end plates being formed of rubber plastic material, now rubber elastic material pursuant to this Amendment, must be shown in the drawings. To this end, Applicants submit corrected drawings, with respect to Figs. 10, 11 and 12.

The Examiner has objected to dependent claims 6-21, 23-26 and 30 as being dependent upon cancelled claims 4 and 22. Applicants have amended the effected claims to overcome the objections. Applicants have also amended independent claims 1, 32, 34 and 35 to overcome the rejection raised in paragraph 3 of the Official Action under 35 U.S.C. § 112, second paragraph. In this regard, Applicants are specifically claiming the closure *per se*, and not in combination with the cable. To overcome the rejection, Applicants have revised the claims to use the language "adapted to be" as suggested by the Examiner. Accordingly, the Examiner's rejection is considered traverse and should therefore be withdrawn.

The Examiner has rejected Applicants claims 1-3, 5, 27-29 and 32-35 under 35 U.S.C. §103(a) as being unpatentable

over *Sasaki et al.*, Japanese Patent Application No. 8,242,526 in view of *Nimiya et al.*, United States Patent No. 4,933,512. The Examiner states that *Sasaki et al.* teaches all features of Applicants' claimed invention but for a tape gasket including adhesive between the end plates and the sleeve. Recognizing at least this deficiency in *Sasaki et al.*, the Examiner relies upon *Nimiya et al.* as purportedly disclosing a tape gasket 60 including an adhesive. Therefore, in the Examiner's opinion, it would be obvious to one having ordinary skill in the art to modify the closure of *Sasaki et al.* by incorporating a tape gasket including an adhesive between the end plates and sleeves as purportedly taught by *Nimiya et al.*

Further as to claims 32-34, the Examiner states that *Sasaki et al.* discloses a clamp including a clamp body with a recess and a curved holding member fastened to the body by a mounting member, and the cable guide recesses and the curved holding member provided with holding spacers. As concerning claim 35, the Examiner states that *Sasaki et al.* discloses hinges including ring receiving portions and holding recesses. Notwithstanding the Examiner's position, it is believed that the references of record do not render obvious Applicants' claimed invention.

Independent claims 1 and 34 have been amended from a gasket including an adhesive to an "adhesive tape-like gasket." Support for this Amendment may be found in, for example, Applicant's specification on page 3, lns. 24-25. As set forth in claims 1 and 34, the gasket is locally arranged between the outer periphery of the end plate and inner surface of the sleeve members so as to cover an outer end of the slit. The gasket conforms to the outer periphery of the end plate and the plurality of peak and valley shaped grooves of the sealing member. The combination of Applicants' claimed gasket and

plate, as claimed, is not rendered obvious by the combination of *Sasaki et al.* and *Nimiya et al.*

The end plate of *Sasaki, et al.* is made of a rubber elastic material and is provided on its outer periphery with a plurality of circumferential projections 26 which serve as an air-tight seal between the inner periphery of the sleeve and the outer periphery of the end plate. Accordingly, *Sasaki, et al.* teaches that the circumferential projections 26, without more, is sufficient for providing an air-tight seal and that other sealing mechanisms are not warranted or necessary. Thus, there is no need for any modification of *Sasaki, et al.* to provide any additional sealing means, such as the gasket suggested by the Examiner as disclosed in *Nimiya, et al.*

In this regard, *Nimiya, et al.* teaches that its end plates 40 are made of a rigid material such as plastic. By virtue of the end plates being made of rigid plastic material, it is necessary for *Nimiya, et al.* to use an elastic tape 60.

As stated in *Nimiya, et al.*, page 5, lns. 34-39:

The feature of the cable closure of the present invention is to attain the airtightness between the cable and the end plates and between the end plates and the sleeve, in dependence upon rigid (e.g. plastic) end plates and elastic (rubber) airtight members, so as to be applicable to any cables of different diameters.

From the foregoing, it is clear that the sealing principles of *Sasaki, et al.* and *Nimiya, et al.* are contrary to one another. On the one hand, *Sasaki, et al.* makes use of the inherent properties of its end plate being made from rubber elastic material and the provisions of circumferential projections to form an air-tight seal. On the other hand, *Nimiya, et al.* employs a separate elastic material formed within recessed portions 42B of its end plate which is made of a rigid

material necessitating the use of the elastic material to create a seal. *Sasaki, et al.* provides no suggestion that any additional sealing element, such as *Nimiya et al.*'s elastic tape is required to provide an air-tight seal. Accordingly, the Examiner's rejection is considered traverse and should therefore be withdrawn.

Turning to Independent claims 32 and 34, these claims requires holding spaces that are detachable. More specifically, Applicants' cable clamp includes a clamp body having curved holding member 17, as shown in Fig. 14. The cable guide recess and the curved holding member are each provided with detachable holding spacers 33 in a manner to be opposite to each other as also shown in Fig. 14. It is pointed out that the Examiner in the Official Action has made no reference as to where *Sasaki, et al.* teaches detachable holding spacers.

In *Sasaki, et al.*, Fig. 17, the cable clamp 4 is not provided with any corresponding feature to Applicants' claimed detachable holding spacers. Rather, the cable clamp is provided with pivotal clamp members 16, 17 having integrally formed on their respective curved surfaces 16, a plurality of teeth-like projections adapted to bite into the outer sheath of a cable. There is no disclosure in *Sasaki, et al.* of these teeth-like projections being detachable as claimed with respect to Applicants' detachable holding spacers. Accordingly, the prior art of record does not disclose this feature of Applicants' invention and notice to that effect is respectfully requested.

As to independent claim 35, there is no disclosure of the features of the specific construction of Applicants' hinges and fasteners. It is acknowledged that *Sasaki, et al.* discloses a pair of hinge mechanisms each constituted by hinge hole 28 and rod 27 and a plurality of buckles disposed on the other side of the sleeve. The buckles 30 are merely outlined, without detail,

in Figs. 1, 3 and 22 of *Sasaki, et al.* To the extent shown in these drawings, the hinge mechanisms 27, 28 and buckles 30 of *Sasaki, et al.* are different from the claimed construction of the hinges 60 and fasteners 70 in Applicants' claim 35. As to *Nimiya, et al.*, there is merely disclosed sleeve-fastening members 24 each constructed from a metal band 24A and a buckle 24B. What should be apparent to the Examiner is that neither *Sasaki, et al.* nor *Nimiya, et al.* disclose Applicants' claimed hinge and fasteners as set forth in claim 35. Here again, the Examiner has failed to establish a *prime facie* case of obviousness of Applicants' claimed invention. Accordingly, all claims pending in this application possess the requisite novelty and unobviousness over the prior art of record, and notice to that effect is respectfully requested.

In considering Applicants' within response, Applicants designate the dependent claims as being allowable by virtue of their ultimate dependency upon submittedly allowable independent claims. Although Applicants have not separately argued the patentability of each of the dependent claims, Applicants' failure to do so is not to be taken as an admission that the features of the dependent claims are not themselves separably patentable over the prior art cited by the Examiner.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

Application No.: 08/799,400

Docket No.: KAMMON 3.0-025

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: May 15, 2003

Respectfully submitted,

By 

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